

**REMARKS**

The Examiner's action and the rejection of claims 1-4 as unpatentable over Tamer et al in view of Young (U.S. 2003/0159147 A1) and further in view of Ellis (U.S. 2003/0020744 A1) under 35 USC 103(a) have been carefully considered and the application has been amended accordingly. Specifically, independent claim 1 has been amended to delete the recitation that the EMM comprises a directly readable, intelligible descriptor, plain text message. Accordingly, the rejection of claim 1 under 35 USC 112, first paragraph is now moot. As currently amended, claim 1 now recites that the program listing comprises a reference to the EMM responsive to the authorization of the impulse purchase program, the system includes a security module and means to transfer the EMM specific to the impulse purchase to the security module when the user selects the impulse purchased program and the security module verifying access conditions of the impulse purchase program and, if the conditions are met, recording the impulse purchase and granting access to the purchased program. This added subject matter is supported in the original specification at page 3, lines 17-20, page 4, lines 1-3 and page 45, lines 13-24.

As the Examiner well knows, in prior art systems, the security module contains the access rights and the broadcast content contains the access conditions. The EMM contains the access right for a particular user and the successful processing of the EMM results in the loading of the access right into the security module. The ECM is attached to a content and comprises the key to decrypt the content as well as the access conditions. The security module receives and compares the access conditions of the ECM with the access rights stored in the security module. Typically, pay-per-view choices are presented in the program listing from which the user makes a selection which initiates a call to the management center. An EMM is then placed in the broadcast channel containing the rights to the selected pay-per-view, this EMM being uniquely addressed to the user. Since the EMM is a user specific message, with respect to pay-per-view the problem is the long delay until the user is granted access to the desired content.

Tamer et al recognizes the problem presented by the long delay and proposes at column 5, first paragraph to expedite access by the user by impressing a layer of access

coding on the entitlement information, which is independent of EMM and ECM, and which passes through a filter to permit or prohibit reception of the EMM and ECM by certain subscribers. Specifically, Tamer et al. discloses transmitting in data packet D4 program grid Data along with an Entitlement Control Message (ECM) or Entitlement Management Message (EMM) having in a header thereof a conditional access code that must be passed through filter and e-code detector 30 to authorize a pay per view purchase. If the access conditions in the header code do not establish a match with the subscriber, the EMM and ECM are not transmitted to the smart card 31 and are rejected by the receiver.

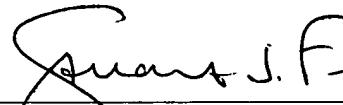
By contrast, claim 1, as amended, now recites the unique feature that the program listing includes a reference to the EMM responsive to the authorization of the impulse purchase program, i.e., the reference allows the system to make the link between the program selection by the user and the EMM containing the necessary authorizations. According to claim 1, as amended, the system includes means to transfer the EMM specific to the impulse purchase to the security module when the user selects a program. The specific EMM is always processed by the security module to verify access conditions and, if the conditions are met, the impulse purchase is recorded and access is granted to the purchased program. This is in contrast to the teachings of Tamer et al which teaches no relationship between the program listing and the corresponding EMM and wherein it is the payload header (which is separate from the EMM and ECM) which must be processed before access is granted. According to Tamer et al, if there is no match between the subscriber conditional access code and the conditional access code in the payload header, then the EMM is rejected by the receiver and is never processed.

Accordingly, Tamer et al discloses a system which utilizes an entirely different conditional access system for processing pay-per-view program selections than is recited in present claim 1. Nor does the secondary citation of Young make Tamer et al any more relevant. Young is cited specifically and solely for teaching a display device for presentation to a user a listing of programs, and not for any teaching regarding the relationship between the program listing and the EMM. The citation of Ellis no longer has any relevance in view of the amendment of claim 1 to delete reference to "plain text."

Inasmuch as Tamer et al. fails to disclose, teach or suggest the invention of independent claim 1, as amended, and since Young is not relevant to the inventive aspects of claim 1, that claim is allowable over the art of record. The dependent claims 2-4 are also allowable over Tamer et al. in view of Young on their own merits and for at least the reasons set forth above with respect to independent claim 1.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect directed to claims 1-4 is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution.

Respectfully submitted,

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